

OFFICIAL GAZETTE



GOVERNMENT OF GOA

GOVERNMENT OF GOA

Department of Personnel

Notification

1/10/74-PER(Part)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supersession of the existing recruitment rules for the relevant posts, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Goa General Service, Group 'B' Gazetted posts in the Directorate of Settlement and Land Records, Panaji, Government of Goa, namely:—

1. *Short title, application and commencement.*—

(1) These rules may be called the Government of Goa, Directorate of Settlement and Land Records, Group 'B' Gazetted post, Recruitment Rules, 1995.

(2) They shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of their publication in the Official Gazette.

2. *Number, classification and scales of pay.*—

The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in Columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.*— The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in Columns 5 to 13 of the said Schedule.

4. *Disqualification.*— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.*— Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Goa Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

6. *Saving.*— Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

7. These rules are issued in consultation with the Goa Public Service Commission vide their letter No COM/II/13/29(1)/94 dated 25-11-1994.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Under Secretary (Personnel).

Panaji, 14th February, 1995.

SCHEDULE

Name/ Designation of post	Number of posts	Classi- fication	Scale of Pay	Whether Selection post or non- Selection post	Age limit for direct recruits	Whether the benefit of added years of service is admissi- ble under Rule 30 of CCS (Pension) Rules, 1972	Educational and other qualifications required for direct recruits	Whether age & edu- cational qualifica- tions pres- cribed for the direct recruits will apply in the case of promotees	Period of pro- bation if any	Method of recruitment whe- ther by direct or by promotion or by deputation/trans- fer/contract and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputa- tion/transfer, grades from which promo- tion/deputation/ transfer is to be made	If a D.P.C. exists, what is its com- position	Circums- tances in which Goa Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
(i) Ins- pector (1994) of sub- ject to Land varia- tion and Re-cord. dependent work-load.	9	Goa Gene- ral Ser- vice 'B' Ga- zatted Non- Minis- terial.	Rs. 1640-60- -2600- -EB-75- -2900.	Selec- tion.	N. A.	N. A.	N. A.	N. A.	Two years	By promotion failing which by transfer on deputation.	<i>Promotion:</i> (i) Supervisor with 3 years regular ser- vice in the grade. (ii) Failing (i) above, Supervisors with 8 years' combined regular service in the grade of Su- pervisor and Head Surveyor. <i>Transfer on deputation:</i> Officers under the Central/State Govern- ment/Union Territo- ries. (a) (i) holding ana- logous post on a regular ba- sis; or (ii) with 5 years' regular servi- ce in posts in the scale of Rs. 1400-2300 or equivalent. (b) Possessing experi- ence in land ma- nagement and land reforms. (The de- partmental offi- cers in the feeder category who are in the direct line of promotion, will not be eligible for consideration for appointment on de- putation. Similar- ly, deputationists shall not be eligi-	Group 'B' D. P.C. consisting of: (1) Chair- man/ /Mem- ber G.P.S. C.- Chair- man (2) Chief Secre- tary or his nomi- nee- -Mem- ber (3) Admi- nis- trati- ve Secre- tary/ /Head of De- part- ment -Mem- ber.	As requi- red under the G.P. S.C. (Exemp- tion from Consul- tation) Regula- tions 1988. Consul- tation with the G. P. S. C. is ne- cessary while making promo- tion, confir- mation, select- ing an officer for ap- point- ment on deputa- tion and amend- ing/ relax- ing any of the provi- sions of these rules.

LAW (LEGAL & LEGISLATIVE AFFAIRS) DEPARTMENT

Notification

12-2-94/LA

The Customs Tariff (Amendment) Ordinance, 1994 (Central Ordinance No. 14 of 1994) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part-II, Section I, dated the 31st December, 1994, is hereby published for the general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 30th January, 1995.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 31st December, 1994/
/Pausa, 10,1916 (Saka)

THE CUSTOMS TARIFF (AMENDMENT)
ORDINANCE, 1994

No. 14 of 1994

Promulgated by the President in the Forty-fifth
Year of the Republic of India.

An Ordinance further to amend the Customs Tariff
Act, 1975.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance.

1. *Short title and commencement.* — (1) This Ordinance may be called the Customs Tariff (Amendment) Ordinance, 1994.

(2) It shall come into force on the 1st day of January, 1995.

2. *Substitution of new sections for sections 9, 9A and 9B.* — For sections 9, 9A and 9B of the Customs Tariff Act, 1975, the following sections shall be substituted, namely: — 51 of 1975.

'9. *Countervailing duty on subsidized articles.* —

(1) Where any country or territory pays, bestows, directly or indirectly, any subsidy upon the manufacture or production therein or the exportation therefrom of any article including any subsidy on transportation of such article, then, upon the importation of any such article into India, whether the same is imported directly from the country of manufacture, production or otherwise, and whether it is imported in the same condition as when exported from the country of manufacture or production or has been changed

ble for consideration for appointment by promotion. Period of deputation including period of deputation in another extension post held immediately preceding this appointment in the same or some other organisation/department of the Central Government shall not exceed 3 years).

in condition by manufacture, production or otherwise, the Central Government may, by notification in the Official Gazette, impose a countervailing duty not exceeding the amount of such subsidy.

Explanation.—For the purposes of this section, a subsidy shall be deemed to exist if—

(a) there is financial contribution by a government, or any public body within the territory of the exporting or producing country, that is, where—

(i) a government practice involves a direct transfer of funds (including grants, loans and equity infusion); or potential direct transfer of funds or liabilities, or both;

(ii) government revenue that is otherwise due is foregone or not collected (including fiscal incentives);

(iii) a government provides goods or services other than general infrastructure or purchases goods;

(iv) a government makes payments to a funding mechanism, or entrusts or directs a private body to carry out one or more of the type of functions specified in clauses (i) to (iii) above which would normally be vested in the government and the practice in, no real sense, differs from practices normally followed by governments; or

(b) a government grants or maintains any form of income or price support, which operates directly or indirectly to increase export of any article from, or to reduce import of any article into its territory,

and a benefit is thereby conferred.

(2) The Central Government may, pending the determination in accordance with the provisions of this section and the rules made thereunder of the amount of subsidy, impose a countervailing duty under this sub-section not exceeding the amount of such subsidy as provisionally estimated by it and if such countervailing duty exceeds the subsidy as so determined,—

(a) the Central Government shall, having regard to such determination and as soon as may be after such determination, reduce such countervailing duty; and

(b) refund shall be made of so much of such countervailing duty which has been collected as is in excess of the countervailing duty as so reduced.

(3) Subject to any rules made by the Central Government, by notification in the Official Gazette, countervailing duty under sub-section (1) or sub-section (2) shall not be levied unless it is determined that—

(a) the subsidy relates to export performance;

(b) the subsidy relates to the use of domestic goods over imported goods in the export article; or

(c) the subsidy has been conferred on a limited number of persons engaged in manufacturing, producing or exporting the article unless such a subsidy is for—

(i) research activities conducted by or on behalf of persons engaged in the manufacture, production or export;

(ii) assistance to disadvantaged regions within the territory of the exporting country; or

(iii) assistance to promote adaptation of existing facilities to new environmental requirements.

(4) If the Central Government, is of the opinion that the injury to the domestic industry which is difficult to repair, is caused by massive imports in a relatively short period, of the article benefiting from subsidies paid or bestowed and where in order to preclude the recurrence of such injury, it is necessary to levy countervailing duty retrospectively, the Central Government may, by notification in the Official Gazette, levy countervailing duty from a date prior to the date of imposition of countervailing duty under sub-section (2) but not beyond ninety days from the date of notification under that sub-section and notwithstanding anything contained in any law for the time being in force, such duty shall be payable from the date as specified in the notification issued under this sub-section.

(5) The countervailing duty chargeable under this section shall be in addition to any other duty imposed under this Act or any other law for the time being in force.

(6) The countervailing duty imposed under this section shall, unless revoked earlier, cease to have effect on the expiry of five years from the date of such imposition:

Provided that if the Central Government, in a review, is of the opinion that the cessation of such duty is likely to lead to continuation or recurrence of subsidization and injury, it may, from time to time, extend the period of such imposition for a further period of five years and such further period shall commence from the date of order of such extension:

Provided further that where a review initiated before the expiry of the aforesaid period of five years has not come to a conclusion before such expiry, the countervailing duty may continue to remain in force pending the outcome of such a review for a further period not exceeding one year.

(7) The amount of any such subsidy as referred to in sub-section (1) or sub-section (2) shall, from time to time, be ascertained and determined by the Central Government, after such inquiry as it may consider necessary and the Central Government may, by notification in the Official Gazette, make rules for the identification of such article and for the assessment and collection of any countervailing duty imposed upon the importation thereof under this section.

(8) Every notification issued under this section shall, as soon as may be after it is issued, be laid before each House of Parliament.

9A. Anti-dumping duty on dumped articles. —

(1) Where any article is exported from any country or territory (hereinafter in this section referred to as the exporting country or territory) to India at less than its normal value, then, upon the importation of such article into India, the Central Government may, by notification in the Official Gazette, impose an anti-dumping duty not exceeding the margin of dumping in relation to such article.

Explanation.—For the purposes of this section,—

(a) “margin of dumping”, in relation to an article, means the difference between its export price and its normal value;

(b) “export price”, in relation to an article, means the price of the article exported from the exporting country or territory and in cases where there is no export price or where the export price is unreliable because of association or a compensatory arrangement between the exporter and the importer or a third party, the export price may be constructed on the basis of the price at which the imported articles are first resold to an independent buyer or if the article is not resold to an independent buyer, or not resold in the condition as imported, on such reasonable basis as may be determined in accordance with the rules made under sub-section (6);

(c) “normal value”, in relation to an article, means —

(i) the comparable price, in the ordinary course of trade, for the like article when meant for consumption in the exporting country or territory as determined in accordance with the rules made under sub-section (6); or

(ii) when there are no sales of the like article in the ordinary course of trade in the domestic market of the exporting country or territory, or when because of the particular market situation or low volume of the sales in the domestic market of the exporting country or territory, such sales do not permit a proper comparison, the normal value shall be either —

(a) comparable representative price of the like article when exported from the exporting country or territory or an appropriate third country as determined in accordance with the rules made under sub-section (6); or

(b) the cost of production of the said article in the country of origin along with reasonable addition for administrative, selling and general costs and for profits, as determined in accordance with the rules made under sub-section (6):

Provided that in the case of import of the article from a country other than the country of origin and where the article has been merely transhipped through the country of export or such article is not produced in the country of export or there

is no comparable price in the country of export, the normal value shall be determined with reference to its price in the country of origin.

(2) The Central Government may, pending the determination in accordance with the provisions of this section and the rules made thereunder of the normal value and the margin of dumping in relation to any article, impose on the importation of such article into India an anti-dumping duty on the basis of a provisional estimate of such value and margin and if such anti-dumping duty exceeds the margin as so determined: —

(a) the Central Government shall, having regard to such determination and as soon as may be after such determination, reduce such anti-dumping duty; and

(b) refund shall be made of so much of the anti-dumping duty which has been collected as is in excess of the anti-dumping duty as so reduced.

(3) If the Central Government, in respect of the dumped article under inquiry, is of the opinion that—

(i) there is a history of dumping which caused injury or that the importer was, or should have been, aware that the exporter practices dumping and that such dumping would cause injury; and

(ii) the injury is caused by massive dumping of an article imported in a relatively short time which in the light of the timing and the volume of imported article dumped and other circumstances is likely to seriously undermine the remedial effect of the anti-dumping duty liable to be levied,

the Central Government may by notification in the Official Gazette, levy anti-dumping duty retrospectively from a date prior to the date of imposing of anti-dumping duty under sub-section (2) but not beyond ninety days from the date of notification under that sub-section, and notwithstanding anything contained in any law for the time being in force, such duty shall be payable at such rate and from such date as may be specified in the notification.

(4) The anti-dumping duty chargeable under this section shall be in addition to any other duty imposed under this Act or any other law for the time being in force.

(5) The anti-dumping duty imposed under this section shall, unless revoked earlier, cease to have effect on the expiry of five years from the date of such imposition:

Provided that if the Central Government, in a review, is of the opinion that the cessation of such duty is likely to lead to continuation or recurrence of dumping and injury, it may, from time to time, extend the period of such imposition for a further period of five years and such further period shall commence from the date of order of such extension:

Provided further that where a review initiated before the expiry of the aforesaid period of five years has not come to a conclusion before such expiry, the anti-dumping duty may continue to remain in force pending the outcome of such a review for a further period not exceeding one year.

(6) The margin of dumping as referred to in sub-section (1) or sub-section (2) shall, from time to time, be ascertained and determined by the Central Government, after such inquiry as it may consider necessary and the Central Government may, by notification in the Official Gazette, make rules for the purposes of this section, and without prejudice to the generality of the foregoing, such rules may provide for the manner in which articles liable for any anti-dumping duty under this section may be identified, and for the manner in which the export price and the normal value of, and the margin of dumping in relation to, such articles may be determined and for the assessment and collection of such anti-dumping duty.

(7) Every notification issued under this section shall, as soon as may be after it is issued, be laid before each House of Parliament.

9B. No levy under section 9 or section 9A in certain cases.— (1) Notwithstanding anything contained in section 9 or section 9A,—

(a) no article shall be subjected to both countervailing duty and anti-dumping duty to compensate for the same situation of dumping or export subsidization;

(b) the Central Government shall not levy any countervailing duty or anti-dumping duty —

(i) under section 9 or section 9A by reasons of exemption of such articles from duties or taxes borne by the like article when meant for consumption in the country of origin or exportation or by reasons of refund of such duties or taxes;

(ii) under sub-section (1) of each of these sections, on the import into India of any article from a member country of the World Trade Organisation or from a country with whom Government of India has a most favoured nation agreement (hereinafter referred as a specified country), unless in accordance with the rules made under sub-section (2) of this section, a determination has been made that import of such article into India causes or threatens material injury to any established industry in India or materially retards the establishment of any industry in India; and

(iii) under sub-section (2) of each of these sections, on import into India of any article from the specified countries unless in accordance with the rules made under sub-section (2) of this section, a preliminary findings has been made of subsidy or dumping and consequent injury to domestic industry; and further determination has also been made that a duty is necessary to prevent injury being caused during the investigation:

Provided that nothing contained in sub-clauses (ii) and (iii) of clause (b) shall apply if a countervailing duty or an antidumping duty has been imposed on any article to prevent injury or threat of an injury to the domestic industry of a third country exporting the like articles to India;

(c) the Central Government may not levy—

(i) any countervailing duty under section 9, at any time, upon receipt of satisfactory voluntary undertakings from the government of the exporting country or territory agreeing to eliminate or limit the subsidy or take other measures concerning its effect, or the exporter agreeing to revise the price of the article and if the Central Government is satisfied that the injurious effect of the subsidy is eliminated thereby;

(ii) any anti-dumping duty under section 9A, at any time, upon receipt of satisfactory voluntary undertaking from any exporter to revise its prices or to cease exports to the area in question at dumped price and if the Central Government is satisfied that the injurious effect of dumping is eliminated by such action.

(2) The Central Government may, by notification in the Official Gazette, make rules for the purposes of this section, and without prejudice to the generality of the foregoing, such rules may provide for the manner in which any investigation may be made for the purposes of this section, the factors to which regard shall be at in any such investigation and for all matters connected with such investigation.

9C. Appeal. — (1) An appeal against the order of determination or review thereof regarding the existence, degree and effect of any subsidy or dumping in relation to import of any article shall lie to the Customs, Excise and Gold (Control) Appellate Tribunal constituted under section 129 of the Customs Act, 1962 (hereinafter referred to as the Appellate Tribunal). 52 of 1962.

(2) Every appeal under this section shall be filed within ninety days of the date of order under appeal:

Provided that the Appellate Tribunal may entertain any appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) The Appellate Tribunal may, after giving the parties to the appeal, an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or annulling the order appealed against.

(4) The provisions of sub-sections (1), (2), (5) and (6) of section 129C of the Customs Act, 1962 shall apply to the Appellate Tribunal in the discharge of its functions under this Act as they apply to it in the discharge of its functions under the Customs Act, 1962. 52 of 1962.

(5) Every appeal under sub-section (1) shall be heard by a Special Bench constituted by the President of the Appellate Tribunal for hearing such appeals and such Bench shall consist of the President and not less than two members and shall include one judicial member and one technical member.'

SHANKER DAYAL SHARMA,
President.

K. L. MOHANPURIA,
Secy. to the Govt. of India.

Notification

12-2-94/LA

The Press Council (Amendment) Act, 1994, (Central Act No. 36 of 1994) which has been passed by the Parliament and assented to by the President of India on 3rd June, 1994 and published in the Gazette of India, Extraordinary Part II, Section-I dated 6th June, 1994 is hereby published for the general information of the public.

P. V. Kadnekar, Jt. Secretary (Law).

Panaji, 12th December, 1994.

THE PRESS COUNCIL (AMENDMENT) ACT, 1994

AN

ACT

further to amend the Press Council Act, 1978.

Be it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Press Council (Amendment) Act, 1994.

2. *Amendment of section 5 of Act 37 of 1978.*— In the Press Council Act, 1978, in section 5, in sub-section (3), for the *Explanation*, the following *Explanation* shall be substituted, namely:—

'Explanation.— For the purposes of clause (b), a "newspaper" shall be deemed to be categorised as big, medium or small newspaper on the basis of the circulation per issue, as the Central Government may, by notification in the Official Gazette, notify from time to time.'

Notification

12-1-94/LA

The Payment of Gratuity (Amendment) Act, 1994 (Central Act No. 34 of 1994) which has been passed by the Parliament and assented to by the President of India on 24th May, 1994 and published in the

Gazette of India, Extraordinary Part II, Section I dated 24th May, 1994 is hereby published for the general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 28th December, 1994.

PAYMENT OF GRATUITY (AMENDMENT) ACT, 1994

AN

ACT

further to amend the Payment of Gratuity Act, 1972.

Be it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Payment of Gratuity (Amendment) Act, 1994.

2. *Amendment of section 2.*— In section 2 of the Payment of Gratuity Act, 1972 (hereinafter referred to as the 39 of 1972. principal Act), in clause (e),—

(a) the words "not exceeding two thousand and five hundred rupees per mensem, or such higher amount as the Central Government may, having regard to the general level of wages, by notification, specify," shall be omitted;

(b) *Explanation* shall be omitted.

3. *Amendment of section 4.*— In section 4 of the principal Act,—

(a) in sub-section (3), for the words "fifty thousand", the words "one lakh" shall be substituted;

(b) sub-section (7) shall be omitted.

4. *Amendment of section 11.*— In section 11 of the principal Act, in sub-section (2), for the words "Presidency Magistrate or a Magistrate of the first class", the words "Metropolitan Magistrate or a Judicial Magistrate of the first class" shall be substituted.

Notification

3-1-93/LA

In exercise of the powers conferred by section 7B read with section 11 of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 1964 (Act 2 of 1965), the Government of Goa hereby makes the following rules so as to amend the Goa (Appointment of Personal Assistant to Members of the Legislative Assembly) Rules, 1994, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa (Appointment of Personal Assistant to Members of the Legislative Assembly) (Amendment) Rules, 1995.

(2) They shall come into force at once.

2. *Amendment of rule 6.*—In the Goa (Appointment of Personal Assistant to Members of the Legislative Assembly) Rules, 1994 (hereinafter referred to as the 'principal Rules'), for sub-rule (2) of rule 6, the following shall be substituted, namely:—

"(2) The Legislature Secretariat shall prefer a Contingent Bill for the payment of the remuneration of the personal assistant to be made on the basis of Certificate given by the Member in Form 'B' appended to these Rules and the personal assistant shall receive the remuneration from the Treasury or Sub-Treasury from where the Member draws his salary."

3. *Insertion of new Form.*—In the principal Rules, after Form "A", the following Form shall be inserted, namely:—

"FORM 'B'"

(See rule 6)

I certify that Shri/Smt.
..... worked with
me as my Personal Assistant for the month of
.....

(Signature)

M. L. A."

By order and in the name of the Governor of
Goa.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 7th February, 1995.

Law (Establishment) Department

Notification

3-1-87/ELEC-Vol. II

The following Notification No. 56/95(1), dated
5-1-1995 issued by the Election Commission of India,

New Delhi is hereby published for general information.

B. S. Subbanna, Law Secretary/Joint Chief
Electoral Officer.

Panaji, 9th January, 1995.

Election Commission of India

Nirvachan Sadan,
Ashoka Road,
New Delhi.

Dated 5th January, 1995.

15 Pausa, 1916 (Saka)

Notification

No. 56/95(1).—In pursuance of clause (d) of sub-para (1) and sub-para (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following amendments to its Notification No. 56/92, dated 7-1-1993 published as O. N. 2(E), dated 8-1-1993 in the Gazette of India, Extraordinary, Part II, section 3(iii), and as amended from time to time, namely:—

In Table IV appended to the said Notification—

(a) against the name of the State "2. Arunachal Pradesh" in column 1, the entry "36. Star" shall be inserted under column 2;

(b) against the name of the State "4. Bihar" in column 1, entry "91. Star" shall be inserted under column 2;

(c) against the name of the State "6. Gujarat" in column 1, the entry "36. Star" shall be inserted under column 2;

(d) against the name of the State "13. Maharashtra" in column 1, the entry "76. Star" shall be inserted under column 2; and

(e) against the name of the State "18. Orissa" in column 1, the entry "26. Star" shall be inserted under column 2.

By Order,

S. K. MENDIRATTA
Secretary